

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**ECF CASE**

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

**NOTICE OF MOTION**

- VS -

Case No. 15-cv-701-FPG/MJR

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS  
AND EDIBLES, RED DICE HOLDINGS, LLC,  
and DIXIE BOTANICALS,

Defendants.

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MOTION MADE BY : Defendants, MEDICAL MARIJUANA, INC., and  
RED DICE HOLDINGS, LLC, by and through  
their attorneys, Mura & Storm, PLLC, 930 Rand  
Building, 14 Lafayette Square, Buffalo, New  
York 14203.

DATE, TIME AND  
PLACE OF HEARING : Date and time of hearing to be determined by  
the Hon. Frank P. Geraci, with place of hearing  
to be United States District Court, Western  
District of New York, 100 State Street,  
Rochester, New York 14614.

SUPPORTING PAPERS : This notice of motion; movants' Statement of  
Material Facts; Declaration of Roy A. Mura, Esq.  
dated August 30, 2018, with attached exhibits A  
through H; Declaration of Stuart W. Titus, PhD,  
dated August 29, 2018; Declaration of Michelle  
L. Sides, Esq., with attached Exhibit A; and  
movants' Memorandum of Law dated August 30,  
2018.

RELIEF DEMANDED  
AND GROUNDS THEREFORE : A. An order of this Court pursuant to Fed. R.  
Civ. P. 12(c) granting judgment on the  
pleadings to movants, dismissing  
plaintiffs' complaint, with prejudice; and

- B. an Order of this Court pursuant to Fed. R. Civ. P. 56, granting summary judgment to movants, dismissing plaintiffs' complaint with prejudice; and
- C. such other, further and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(A), absent different deadlines set by the Court, plaintiff shall have twenty-eight (28) days from August 30, 2018 to file and serve responding papers to this motion. Movants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, movants shall have fourteen (14) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled by the Court.

Dated: Buffalo, New York  
August 30, 2018

/s/ Roy A. Mura  
Roy A. Mura, Esq.

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